

Order

Michigan Supreme Court
Lansing, Michigan

December 23, 2020

Bridget M. McCormack,
Chief Justice

David F. Viviano,
Chief Justice Pro Tem

161797
161805

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 161797
COA: 343818
Arenac CC: 17-004120-FH

MICHELINE NICOLE LEFFEW,
Defendant-Appellant.

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 161805
COA: 344240
Arenac CC: 17-004119-FH

JEREMIAH JAMES LEFFEW,
Defendant-Appellant.

On order of the Court, the applications for leave to appeal the April 9, 2020 judgment of the Court of Appeals are considered. We direct the Clerk to schedule oral argument on the applications. MCR 7.305(H)(1).

The appellants shall each file a supplemental brief within 42 days of the date of this order addressing whether the common law affirmative defense of defense of others may be raised as a defense to the felony and misdemeanor charges against them, see *People v Dupree*, 486 Mich 693 (2010); *People v Triplett*, 499 Mich 52 (2016), and whether trial defense counsels' failure to request such an instruction deprived the defendants of the effective assistance of counsel, see *Strickland v Washington*, 466 US 668 (1984). In addition to the brief, the appellants shall electronically file an appendix conforming to MCR 7.312(D)(2). In the briefs, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a

supplemental brief within 21 days of being served with the appellants' briefs. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellants. Replies, if any, must be filed by the appellants within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.

The total time allowed for oral argument shall be 40 minutes: 20 minutes for the appellants to be divided at their discretion, and 20 minutes for the appellee. MCR 7.314(B)(2).

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in these cases may move the Court for permission to file briefs amicus curiae. Motions for permission to file briefs amicus curiae and briefs amicus curiae regarding these cases should be filed in *People v Micheline Nicole Leffew*, Docket No. 161797, only and served on the parties in both cases.



s1216

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 23, 2020

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk